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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/672,090 | 09/26/2003 | Richard L. Dubay | D398.12-0002 | 7056 |

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EXAMINER

RAO, G NAGESH

| | |
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| ART UNIT | PAPER NUMBER |
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1722

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,090

Applicant(s)

DUBAY, RICHARD L.

Examiner

G. Nagesh Rao

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 1) Claims 1-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (US Patent No. 5,913,355) in view of Hodler (US Patent No. 4,027,726).

Muramatsu 355 teaches a mold-block capable of being used as a gas-purging block (See Figure 4) for use with injection molding and die casting systems, the block system comprising, a first-side block having a first-side inner surface, a pair of first-side channels (2) extending through the first-side block parallel to the first-

side inner surface, and adapted to selectively function as conduits for cooling fluid and a second block having a second-side inner surface adapted to engage with the first-side inner surface to define a gas passageway (2). Muramatsu 355 as well teaches the side blocks being made of a heat exchanging material to allow for appropriate cooling of the material flown through, that being included of a beryllium alloy mix (See Col 4-5 Lines 1-68). Furthermore it is interpreted by the examiner that the first side block would read on as a form of an ejector side block coupled with a stationary side block being interpreted as the second block having a second-inner surface, whereby these blocks would remain parallel to each other and coupled to one another along with being coupled to a die-casting or injection machine.

However Muramatsu 355 does teach that this gas-purging block would need to be coupled with the die-casting or injection machine it fails to teach the use of mounting bores for mounting the first-side block to a first holder block.

In a device related to gas-purging blocks for die-casting, Hodler 726 teaches a similar type of gas venting block where a first-side block has mounting means to aid in mounting the block to a die casting machine or a device of the like to enable the devices being coupled to each other (See Figures 2-3 and Col 2 Lines 1-68).

It would be obvious to one skilled in the art to modify the teachings of Muramatsu 355 with that of Hodler 726 to allow for the gas purging block to be coupled to the die-casting machine or injection molder to aid as gas venting means.

2) Claims 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (US Patent No. 5,913,355) in view of Hodler (US Patent No. 4,027,726) in further view of DiSimone (US Patent No. 5,012,568).

From the aforementioned the hypothetical devices as taught by Muramatsu 355 and Hodler 726 teach a gas-purging block system capable of being used in die-casting or injection molding systems that read on applicant's claimed invention.

However the hypothetical device as taught by the aforementioned combined references fail to teach key/slot arrangement means for aligning the purging blocks to one another and to their base supports.

In a device related to injection molding, DiSimone 568 teaches about the use of a novel key/slot arrangement for facilitating installation and removal of a central mold portion.

It would be obvious to one skilled in the art to implement such a feature to insure a proper positioning of the mold elements at all times (See Abstract and Cols 1-3 Lines 1-68).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300 / 200

9/19/05